

HOUSE JOINT RESOLUTION 577

By Cooper

A RESOLUTION relative to the Shelby County Administrator of Elections.

WHEREAS, the integrity, efficiency, and smooth operation of the election process in Shelby County is of paramount importance to governance in Shelby County; and

WHEREAS, public confidence in the integrity of the election process in Shelby County is also separately and independently of the highest importance; and

WHEREAS, Shelby County Administrator of Elections Richard Holden was suspended and placed on probation in October of 2012, because of personnel issues in the office and problems with the August 2012 election, in which the wrong ballots were given to thousands of voters; and

WHEREAS, a condition of his suspension and probation was to modify and improve his management style and to successfully run elections in the future; and

WHEREAS, subsequent to his suspension, Chancellor Kenny Armstrong's August 2013 ruling discarded the certified election results in the August 2012 school board race between Kevin Woods and Kenneth Whalum, Jr., stating, voters in many cases, received inaccurate information from the Election Commission about their new districts, and therefore ordered a new election; and

WHEREAS, complaints have been filed with the U.S. Equal Employment Opportunity Commission and with the county's human resource department against the office; and

WHEREAS, the State Comptroller reviewed the Shelby County Election Commission (SCEC) in 2012 "due to 'a troubling pattern of errors'" and found "the primary responsibility of the SCEC is to conduct elections in Shelby County, yet SCEC has demonstrated an inability to conduct elections without significant inaccuracies, including those identified in the 2012

elections” and “It appears that poor judgment and mistakes were the most likely causes of the ballot errors and that SCEC staff did not identify or correct the ballot errors in a timely manner”; and

WHEREAS, the State Comptroller’s review further found: “The administrator stopped redistricting work for approximately four weeks. These four weeks of inactivity could have been spent redistricting based upon existing district lines or another alternate plan,” and “State Election Coordinator Mark Goins stated he informed Mr. Holden that it was imperative that SCEC resume their redistricting efforts,” and “The SCEC board of commissioners did not exercise adequate oversight or supervision over the administrator or the redistricting process to ensure the commission conducted a reliable and accurate election”; and

WHEREAS, an audit report prepared by Shelby County government’s internal audit unit in 2013, found the Election Commission failed to process dozens of voter registration applications between March 2012 and January 2013; and

WHEREAS, the report also says that improper documentation made it impossible for auditors to identify election commission employees who processed or changed some voter registration records, and that a computer “user profile” used to make some changes was deleted during the audit; and

WHEREAS, throughout this entire process, Administrator Holden has shown a consistent pattern of being slow to acknowledge problems or accept responsibility for them, of minimizing problems, and of improperly blaming others for election problems; and

WHEREAS, as a result of the above pattern of errors and dysfunction, public confidence in the integrity of the election process in Shelby County has seriously eroded; and

WHEREAS, Tennessee Code Annotated, Section 2-1-102, states that the purpose of state election laws is to “regulate the conduct of all elections by the people so that:

- (1) The freedom and purity of the ballot are secured;
- (2) Voters are required to vote in the election precincts in which they reside except as otherwise expressly permitted;

(3) Internal improvement is promoted by providing a comprehensive and uniform procedure for elections; and

(4) Maximum participation by all citizens in the electoral process is encouraged.”; and

WHEREAS, these lofty goals, so necessary to the integrity of elections, cannot be obtained with the inadequate job performance, management style, and work ethic consistently demonstrated by Administrator Holden in carrying out his appointed duties; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the General Assembly declares a position of “No Confidence” in Richard Holden, Shelby County Administrator of Elections.

BE IT FURTHER RESOLVED, that the General Assembly hereby urges the Shelby County Election Commission to replace its Administrator of Elections with someone who is able to fulfill the responsibilities of the office and inspire public confidence in the election process.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Shelby County Mayor, Shelby County Board of Commissioners, and Shelby County Election Commission.